

On February 23, 2004, Microsoft also filed a Notice of Motion, Motion and Memorandum in Support of its Motion for Partial Summary Judgment of Invalidity of the Asserted Claims of the '181 Patent (Anticipation). See Tab 2.

The parties subsequently settled and, on May 5, 2004, filed a Joint Stipulation of Dismissal with Prejudice. See Tab 3.

Tab 4 is a copy of the press release announcing the settlement and indicating that Microsoft has taken a comprehensive license to InterTrust's patent portfolio for a one-time payment of \$440 million.

#### Remarks

Applicants encourage the Examiner to carefully review the attached documents, and let Applicants know if any additional information is desired.

With this Notice, Applicants have provided copies of some of the exhibits referred to in the provided papers. However, due to the large quantity of documents referenced by these papers, all attachments and exhibits have not been provided. For example, the exhibits to the motions provided at Tabs 1 and 2 are not provided because they have inconsequential, if any, relation to the patentability of the instant claims. These exhibits are not necessary to understand the motion, and are not relevant to the Office's review (e.g., they are directed to issues specific to the '900 patent, they pertain to Microsoft's products, they contain Microsoft's Attorneys-Eyes-Only information that we cannot disclose, etc.).

As always, if the Examiner believes that any document referred to in these papers and not yet submitted may be helpful in resolving an issue before him and would

like to review that or any other document, Applicants invite the Examiner to contact the undersigned at (650) 849-6643 so we may provide such document.

Applicants submit this Final Notice Regarding Related Litigation in fulfillment of their duty to disclose information potentially material to patentability under 37 C.F.R.

1.56. This submission does not constitute an admission that any of the listed documents are material or constitute "prior art."


If there are any fees due with the filing of this Notice which have not yet been paid, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 21, 2004

By: \_\_\_\_\_

  
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